

PATENT
Attorney Docket No. 06502.0614-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:)
)
Theron D. TOCK) Group Art Unit: 2193
)
Application No.: 09/840,733) Examiner: WOOD, William H.
)
Filed: April 23, 2001)
)
For: COMPUTER PROGRAM) Confirmation No.: 5067
PRODUCT HAVING PRELOADED)
SOFTWARE MODULE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Sun Microsystems, Inc., duly organized under the laws of Delaware and having its principal place of business at 4150 Network Circle, Santa Clara, CA 95054, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 09/840,733, filed April 23, 2001, for COMPUTER PROGRAM PRODUCT HAVING PRELOADED SOFTWARE MODULE in the names of Theron D. TOCK, as indicated by an Assignment executed in a parent application, which has matured into U.S. Patent No. 5,815,718, and from which Application No. 09/840,733 is a continuation. The Assignment was duly recorded in the United States Patent and Trademark Office at Reel 008147, Frame 0925 on August 16, 1996. Assignee, Sun Microsystems, Inc., further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,223,346 B1, as indicated by an

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Assignment executed in a parent application, which has matured into U.S. Patent No. 5,815,718, and from which U.S. Patent No. 6,223,346 B1 is a divisional. The Assignment was duly recorded in the United States Patent and Trademark Office at Reel 008147, Frame 0925 on August 16, 1996.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,223,346 B1. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.


If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 2, 2006

By: 

Anthony J. Lombardi
Reg. No. 53,232